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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)

No. CV 12-01439- MMC

v.)

STIPULATION AND ~~PROPOSED~~
ORDER TO VACATE
CASE MANAGEMENT CONFERENCE AND
STAY PROCEEDINGS

ONE (1) 2008 Toyota Tundra, (VIN #
5TFDV58108X050994), Real Property and
Improvements located at APN # 012-690-
48, Leggett, CA; Real Property and
Improvements located at APN # 012-690-
50, Leggett, CA; Real Property and
Improvements located at APN # 012-670-
48, Leggett, CA; Real Property and
Improvements located at APN # 012-670-
49, Leggett, CA,

CMC Date: 2/15/2013
Time: 10:30 am
Location: 19th Floor, Courtroom 7

Defendants.)

MATTHEW GRAVES
Claimant.)

Plaintiff, the United States of America, by and through MELINDA HAAG, United States Attorney, and ARVON J. PERTEET, Assistant United States Attorney, and Claimant MATTHEW GRAVES by and through his attorney DAVID M. MICHAEL, ESQ., hereby acknowledge an ongoing civil forfeiture matter, and stipulate to the following:

On March 12, 2012, the Government filed this civil forfeiture action against the

defendant properties. The basis alleged for this forfeiture action is that the defendant properties were used to facilitate the manufacture, possession, cultivation, and distribution and the possession with the intent to distribute marijuana. On or about December 18, 2012, the Government brought a criminal action against claimant/defendant, MATTHEW GRAVES, in the matter of *United States v. Matthew David Graves*, CR 12-0885 WHA, a criminal case alleging possession with the intent to distribute marijuana. The criminal case also alleges criminal forfeiture of the same property at issue in this civil forfeiture matter.

On February 8, 2013, the Government filed a notice of relate case in both case Nos. CV 12-01439 MMC, and CR 12-0885 WHA.

Due to the ongoing federal prosecution of MATTHEW GRAVES, that is directly related to this matter, the parties are seeking to vacate the Case Management Conference currently set for February 15, 2013, and all associated deadlines. The parties shall notify the Court within 30 days of the resolution of the criminal case so that the matter may be put back on the Court's calendar, if appropriate.

The parties seek this stay pursuant to 18 U.S.C. §§ 981(g)(1) and (2). Both the Government and claimant, Matthew Graves, stipulate and agree that taking discovery at this time would adversely impact the Government's criminal investigation and would burden the right of Matthew Graves against self-incrimination in the related federal criminal prosecution.

IT IS SO STIPULATED:

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: February 12, 2013

S/ARVON J. PERTEET
ARVON J. PERTEET
Assistant United States Attorney

Dated: February 12, 2013

S/ DAVID M. MICHAEL
DAVID M. MICHAEL
Attorney for Claimant
MATTHEW GRAVES

STIPULATION AND {PROPOSED} ORDER TO VACATE CMC AND STAY
PROCEEDINGS

No. CV 12-01439 - MMC

ORDER

IT IS SO ORDERED on this 12 day of February, 2013, pursuant to the foregoing stipulation, that the Case Management Conference set for February 15, 2013, be vacated and all associated deadlines be terminated, and that the above-titled action is STAYED pending resolution of the related criminal action. The parties shall notify the Court within 30 days of the resolution of the criminal case so that the matter may be put back on the Court's calendar, if appropriate. Additionally, the parties shall file, no later than August 14, 2013, a Status Report apprising the Court as to the status of Case No. CR 12-0885, and shall file an updated status report at six-month intervals thereafter.


HONORABLE MAXINE M. CHENEY
United States District Court Judge